

Appln. No. 10/821,440

Attorney Docket No. 10541-1975

III. Remarks

Claims 1-29 are pending in the application. No claims have been cancelled.
Claim 1 has been amended. No new claims have been added.

Rejections Under 35 USC § 112

Claims 1-15 are rejected under 35 USC §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claim 1 recites the limitation "the intake" in line 10. Claim 1 has been amended to replace "intake" in line 10 with --inlet--. Applicants assert that claims 1-15 are now in a condition for allowance.

Double Patenting

Claims 1-8 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-40 of U.S. Patent No. 6,708,561.

The 6,708,561 patent discloses an auxiliary flow passage as recited in claim 1 of the instant application. However, the 6,708,561 patent does not disclose the auxiliary flow passage being defined by at least a first and second surface disposed in the housing, wherein the first surface has a first surface portion inclined relative to a second surface portion. The auxiliary flow passage of the 6,708,561 patent discloses surfaces that are parallel to each other and there is no disclosure or teaching or suggestion of auxiliary flow passage surfaces being angled with respect to one another (i.e. Figures 7 and 9 of 6,708,561).

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A prima facie showing of obviousness requires a recitation of prior art that discloses each and every claim limitation and a suggestion to combine such references. The Examiner has not made such a requisite showing. Applicants assert that claims 1-8 are allowable and respectfully request same.

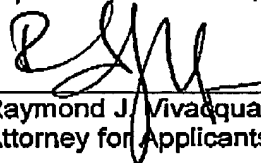
Allowable Subject Matter

The undersigned acknowledges the Examiner's indication of the allowability of claims 16-29.

SUMMARY

Pending Claims 1-29 are patentable. Applicants respectfully request the Examiner grant early allowance of these claims. The Examiner is invited to contact the undersigned attorneys for the Applicants via telephone if such communication would expedite this application.

Respectfully submitted,



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Date

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